

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MILLENIU DRILLING CO., INC.,

Plaintiff,

vs.

BEVERLY HOUSE-MEYERS
REVOCABLE TRUST, *et al.*,

Defendants.

Case No. 2:12-cv-00462-MMD-CWH

ORDER

This matter is before the Court on Defendants and Third-Party Plaintiffs' ("Defendants") Motion to Compel Deposition of Non-Party Witness Matthew Barnes (#178), filed September 15, 2014, and Non-Party Witness Matthew Barnes' ("Barnes") Response (#181), filed October 2, 2014.

Defendants seek an order requiring Barnes counsel to accept service of a Rule 45 subpoena on behalf of Barnes. Other than a single sentence stating "[Defendants] have the right to subpoena nonparties to give testimony under Fed. R. Civ. P. 45[.]" the motion is not supported by any points and authorities. "The failure of a moving party to file points and authorities in support of the motion shall constitute a consent to the denial of the motion." Local Rule 7-2(d). Defendants raise a legitimate issue regarding the service of a Rule 45 subpoena, but fail to provide any authority or analysis in support of the relief they seek. It is not the Court's role to create or craft motions on behalf of parties. Consequently, the motion will be denied without prejudice to Defendants refiling the motion, if they choose. The parties' stipulation to extend discovery (#182) is also denied.

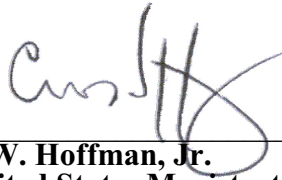
Based on the foregoing and good cause appearing,

IT IS HEREBY ORDERED that Defendants and Third-Party Plaintiffs' Motion to

1 Compel Deposition of Non-Party Witness Matthew Barnes (#178) is **denied without prejudice**.

2 **IT IS FURTHER ORDERED** that the parties' Stipulation to Extend Discovery (#182) is
3 **denied**.

4 DATED: October 21, 2014.

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7 **C.W. Hoffman, Jr.**
8 **United States Magistrate Judge**
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